IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 11912 of 2007(R)

PETITIONER:

MR.RAJU JOHN, VETTIKUZHIYIL HOUSE,
EZHAKKARANAD SOUTH P.O.,
PUTHENKURISSU VIA, MANEED 682 308.

BY ADV. SRI.C.K.SREEJITH
SRI.GEORGIE SIMON

RESPONDENTS:

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1. B.D.O., BLOCK PANCHAYATH, PAMBAKUDA.

2. DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.11912 of 2007

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Dated this the 15th day of June, 2007

JUDGMENT

Petitioner prays for the following reliefs:

(i) to issue a writ of mandamus or any other appropriate writ, order or direction and thereby direct respondents to issue the complete estimated bill in the work of R/R of Kurutholathandu - Ezhakaranadu U.P. School - Vettichara Punchapadam road in Maneed Grama Panchayat.

(ii) direct the respondents to measure the work being done by the petitioner and issue a bill for the same by the assistance of the monitory committee or by the Engineer and after recording the same in the measurement book.

2. Case of the petitioner in brief is as follows:

Petitioner is a licensed contractor. He had taken up the work of R/R of Kurutholathandu - Ezhakaranadu U.P. School - Vettithara Punchappadam Road in Maneed Grama Panchayat. The work is finished in the stipulated period as per the agreement between the

petitioner and the first respondent. Payment was not made.

3. In the counter affidavit filed by the second respondent it is inter alia stated that the administrative sanction granted to the work assigned to the petitioner was cancelled. Further it is stated as follows:

> "It is respectfully submitted that many reminders have already been submitted to Government for the re-accordance of administrative sanction to the above work as per letter No.RD1.1460/03 dt:23.4.2005, 16.2.2006 and D.O. Letter No.RD2.2697/05 dt. 16.3.2006 of my office in order to prepare the work bill check measure and passing of work bill etc. of the said work.
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> In the above circumstances, it is submitted that as soon as this respondent receives the re-administrative sanction to the above work, necessary action will be taken for the preparation of the work bill, check measure and passing of work bill etc., with immediate effect."

4. I heard learned counsel for the petitioner and the learned Government Pleader. Learned Government Pleader submits that Government has in fact already granted administrative sanction. Now what remains is the preparation of work bill, check measurement and

passing of the work bill etc. Government Pleader submits that payments can be made only in terms of seniority. He would submit that an amount of more than Rs.Six Crores is needed. Petitioner submits that the work was completed in 2003 and 2004. Government Pleader submits that atleast a period of six months time is required.

In such circumstances, the writ petition is disposed of directing the second respondent to issue the complete estimated bill in the work of R/R of Kurutholathandu - Ezhakaranadu U.P. School - Vettithara Punchapadam road in Maneed Grama Panchayat as expeditiously as possible in terms of seniority and at any rate within a period of six months from the date of production of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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